

Civil No. B 069450

COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION 4

RECEIVED

MAR 19 1993

HUB LAW OFFICES

CHURCH OF SCIENTOLOGY INTERNATIONAL,)
)
Plaintiff-Respondent,)
)
vs.)
)
GERALD ARMSTRONG,)
)
Defendant-Appellant.)

[Los Angeles Superior
Court No. BC 052395]

COURT OF APPEAL - SECOND DIST.

FILED

MAR 11 1993

JOSEPH A. LANE Clerk

E.G. STAPLETON Jr. Deputy Clerk

On appeal from the Superior Court of the County
of Los Angeles, the Honorable Ronald M. Sohigian.

APPLICATION FOR EXTENSION OF
TIME TO FILE RESPONDENT'S BRIEF;
DECLARATION OF KAREN D. HOLLY; ORDER

Karen D. Holly
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Attorney for Respondent

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COURT OF APPEAL
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CHURCH OF SCIENTOLOGY INTERNATIONAL,)	
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Plaintiff-Respondent,)	[Los Angeles Superior
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Defendant-Appellant.)	
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APPLICATION FOR EXTENSION OF
TIME TO FILE RESPONDENT'S BRIEF;
DECLARATION OF KAREN D. HOLLY; ORDER

Plaintiff-Respondent, Church of Scientology International, requests this additional extension of time within which to file its responsive brief due to scheduling conflicts which have arisen due to the press of litigation. Respondent's brief is currently due to be filed on March 22, 1993. Appellants' lead counsel in this appeal proceeding, however, has had a series of appellate and trial court deadlines to meet in other matters, and has not been able to complete the responsive brief in this case. As detailed in the attached Declaration of Karen D. Holly, these actions have included preparation of an opening brief in the United States Court of Appeals for the Ninth Circuit, oral argument and the filing of a

post-trial letter brief in Division 3 of this Court, and the preparation of a very extensive opening appellate brief to be filed in Division 7 of this Court, and the preparation of a Reply brief, to be filed in Division 3 of this Court. Additionally Appellant's lead counsel is committed to an intensive schedule of depositions in the second half of March and the first weeks of April in a case in the District Court in Washington, D.C.

The additional time requested will enable Respondent's counsel to brief fully and adequately the matter before the Court. Respondent, who has previously obtained extensions totalling 61 days for the submission of his opening brief, is not prejudiced by this request. The responsive brief will be completed and filed on or before April 21, 1993, with no additional requests for extension.

WHEREFORE, Respondents respectfully request that this motion be granted.

Dated: March 11, 1993

Respectfully submitted,

Eric M. Lieberman
RABINOWITZ, BOUDIN, STANDARD,
KRINSKY, & LIEBERMAN, P.C.

-and-

BOWLES & MOXON

By:


Karen D. Holly

Attorneys for Respondent

DECLARATION OF KAREN D. HOLLY

I, Karen D. Holly, hereby declare and state:

1. I am an attorney of record for Respondent Church of Scientology International in this case. I have personal knowledge of the matters set forth below, and if called upon to do so, could and would competently testify thereto.

2. Eric M. Lieberman, of the firm of Rabinowitz, Boudin, Standard, Krinsky, & Lieberman, P.C., is the lead appellant counsel for the plaintiff-respondent. Since the filing of appellant's opening brief on January 19, 1993, Mr. Lieberman has been and is directly responsible for the following appellate matters:

1) The preparation and filing of Appellants' Opening Brief in the case of United States v. Zolin and Church of Scientology of California, United States Court of Appeals for the Ninth Circuit, Case Nos. 91-55990, 91-55506, and 91-56210 (on remand from the United States Supreme Court);

2) The presentation of oral argument before Division Three of the California Court of Appeal for the Second Appellate District in the case of Dee Rowe et al. v. Church of Scientology of Orange County, et al., Case No. B0704060 (the "Rowe" case);

3) The preparation and submission, at the Request of the Third Division panel, of a post-hearing letter brief in the Rowe case;

4) The preparation of the Opening Brief in the case of Religious Technology Center et al. v. Joseph A. Yanny, et al., pending before Division Seven of this Court, Case No. B058291. This brief, due on March 15, 1993, is a massive undertaking it covers the events of two separate and complete trials in an action which was bifurcated into a jury trial and a separate bench trial -- both of which are under appeal; and

5) The preparation of the Reply Brief in the case of Religious Technology Center et al. v. Joseph A. Yanny, et al., pending before Division Three of this Court, Case No. B 068261. This brief is due on March 22, 1993.

3. Additionally, Mr. Lieberman has a longstanding commitment to participate in a series of depositions in the case of Church of Scientology International, et al. vs. Eli Lilly and Co., et al., United States District Court, D.C., Case No. 92-1892 (SS). Depositions in this case are currently scheduled for March 11, 12, 17, 18 and April 1, 2, 7 and 8.

3. The additional 30 days for the filing of movant's responsive brief will enable Respondents' counsel to provide this Court with a complete and concise brief while still fulfilling all of his other appellate and trial court obligations.

4. Respondent has previously sought from this Court and been granted one 30 day extension of time within which to file its

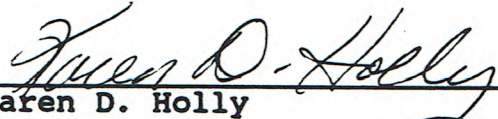
responsive brief. Appellant has previously obtained court-sanctioned extensions and delayed the filing of his opening brief further by submitting an oversized brief which was rejected by this Court. Appellant filed his opening brief a total of 61 days after the date originally set by the Court for this briefing.

5. I am not aware of any prejudice that will result to any party or person if the Court grants this application for extension of time.

6. This application is made in good faith and because additional time is reasonably necessary and is not made for any purposes of delay.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 11th day of March, 1993 at Los Angeles, California.


Karen D. Holly

Attorney for Respondent
Church of Scientology
International

ORDER

IT IS ORDERED that Respondent Church of Scientology International may have an extension of time of 30 days in which to file it's responding brief, up to and including April 21, 1993.

MAR 17 1993

Dated: March __, 1993

WOODS, P.J.

PRESIDING JUSTICE

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Blvd., Suite 2000, Hollywood, California 90028.

On March 11, 1993, I served the foregoing document described as APPLICATION FOR EXTENSION OF TIME TO FILE RESPONDENT'S BRIEF; DECLARATION OF KAREN D. HOLLY; ORDER on interested parties in this action

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] a true copy thereof in sealed envelopes addressed as follows:

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Boulevard
San Anselmo, CA 94960-1949

PAUL MORANTZ
P.O. Box 511
Pacific Palisades, CA 90272

[X] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is

presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 11, 1993 at Los Angeles, California.

- [] **(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, 1993, at Los Angeles, California.

- [X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

- [] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)